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HOUSE BILL 495

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY  
Jeff Steinborn

AN ACT

RELATING TO ELECTIONS; LIMITING CONTRIBUTIONS BY PERSONS AND  
POLITICAL COMMITTEES TO CANDIDATES AND POLITICAL COMMITTEES IN  
ELECTIONS COVERED BY THE CAMPAIGN REPORTING ACT; ALLOWING  
DONATION OF CAMPAIGN FUNDS TO A POLITICAL COMMITTEE; PROVIDING  
FOR PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Campaign Reporting Act is  
enacted to read:

"NEW MATERIAL CONTRIBUTIONS LIMITATIONS--CANDIDATES--  
POLITICAL COMMITTEES.--

A. The following contributions shall not knowingly  
be made by the following persons, directly or indirectly,  
including a contribution earmarked or otherwise directed or  
coordinated through a third party:

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1 (1) from a person, not including a political  
2 committee, to a:

3 (a) candidate for office, including the  
4 candidate's campaign committee, in an amount that will cause  
5 that person's aggregate amount of contributions to the  
6 candidate to exceed two thousand three hundred dollars (\$2,300)  
7 for the primary election cycle or two thousand three hundred  
8 dollars (\$2,300) for the general election cycle;

9 (b) political committee other than a  
10 political party, in an amount that will cause that person's  
11 aggregate amount of contributions to the political committee to  
12 exceed five thousand dollars (\$5,000) in a calendar year; or

13 (c) political party in an amount that  
14 will cause that person's aggregate amount of contributions to  
15 the political party to exceed ten thousand dollars (\$10,000) in  
16 a calendar year;

17 (2) from a political committee, other than a  
18 political party, to:

19 (a) a candidate for office, including  
20 the candidate's campaign committee, in an amount that will  
21 cause that political committee's aggregate amount of  
22 contributions to the candidate to exceed five thousand dollars  
23 (\$5,000) for the primary election cycle or five thousand  
24 dollars (\$5,000) for the general election cycle; or

25 (b) another political committee in an

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1 amount that will cause that political committee's aggregate  
2 amount of contributions to the political committee to exceed  
3 five thousand dollars (\$5,000) in a calendar year; and

4 (3) from a political party to:

5 (a) a candidate for nonstatewide office,  
6 including the candidate's campaign committee, in an amount that  
7 will cause the combined total of all local and state chapters  
8 of that political party's aggregate amount of contributions to  
9 the candidate to exceed five thousand dollars (\$5,000) for the  
10 primary election cycle or five thousand dollars (\$5,000) for  
11 the general election cycle;

12 (b) a candidate for statewide office,  
13 including the candidate's campaign committee, in an amount that  
14 will cause the combined total of all local and state chapters  
15 of that political party's aggregate amount of contributions to  
16 the candidate to exceed ten thousand dollars (\$10,000) for the  
17 primary election cycle or ten thousand dollars (\$10,000) for  
18 the general election cycle; or

19 (c) another political committee in an  
20 amount that will cause that political party's aggregate amount  
21 of contributions to the political committee to exceed five  
22 thousand dollars (\$5,000) in a calendar year.

23 B. Subject to the limitations on contributors  
24 provided for in Subsection A of this section:

25 (1) money raised for a primary election may be

1 used for the general election or carried over to subsequent  
2 election cycles to use in a primary or general election;

3 (2) money raised for a general election may be  
4 carried over to subsequent election cycles and used in a  
5 subsequent primary or general election; and

6 (3) within an election cycle for a given  
7 office, a candidate may collect contributions for the primary  
8 election at any time as long as those contributions are counted  
9 against the contributor's contribution limits for that primary  
10 election cycle, or, if there is an existing primary election  
11 debt from the previous primary election and the contributions  
12 collected are used only to pay off that debt, those  
13 contributions shall be counted against a contributor's  
14 contribution limits for that previous primary election.

15 C. All contributions made by a person, either  
16 directly or indirectly, including contributions that are in any  
17 way earmarked or otherwise directed through an intermediary or  
18 conduit to a candidate, shall be treated as contributions from  
19 the person to that candidate.

20 D. A person shall not knowingly accept or solicit a  
21 contribution, directly or indirectly, including a contribution  
22 earmarked or otherwise directed or coordinated through a third  
23 party, that violates the contribution limits provided for in  
24 this section.

25 E. The limitation on contributions to a candidate

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1 provided for in Subsection A of this section shall not apply to  
2 a candidate's own contribution from the candidate's personal  
3 funds to the candidate's own campaign.

4 F. For the purposes of this section:

5 (1) "primary election cycle" means the period  
6 beginning on the day after the general election for the  
7 applicable office and ending on the day of the primary election  
8 for that office; and

9 (2) "general election cycle" means the period  
10 beginning on the day after the primary for the applicable  
11 office and ending on the day of the general election for that  
12 office."

13 Section 2. Section 1-19-29.1 NMSA 1978 (being Laws 1993,  
14 Chapter 46, Section 6, as amended) is amended to read:

15 "1-19-29.1. CAMPAIGN FUNDS--LIMITATION ON USE.--

16 A. It is unlawful for [~~any~~] a candidate or [~~his~~]  
17 the candidate's agent to make an expenditure of contributions  
18 received, except for the following purposes or as otherwise  
19 provided in this section:

- 20 (1) expenditures of the campaign;
- 21 (2) expenditures of legislators that are
- 22 reasonably related to performing the duties of the office held,
- 23 including mail, telephone and travel expenditures to serve
- 24 constituents, but excluding personal and legislative session
- 25 living expenses;

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1 (3) donations to the state general fund;  
2 (4) donations to an organization to which a  
3 federal income tax deduction would be permitted under  
4 Subparagraph (A) of Paragraph (1) of Subsection (b) of Section  
5 170 of the Internal Revenue Code of 1986, as amended;

6 (5) expenditures to eliminate the campaign  
7 debt of the candidate for the office sought or expenditures  
8 incurred by the candidate when seeking election to another  
9 public office covered by the Campaign Reporting Act;

10 (6) donations to a political ~~[party]~~ committee  
11 or to another candidate seeking election to public office; or

12 (7) disbursements to return unused funds pro  
13 rata to the contributors if no campaign debt exists.

14 B. A judge subject to a nonpartisan retention  
15 election or a candidate for judicial office shall solicit or  
16 accept campaign funds and return unused funds in accordance  
17 with the provisions of the Code of Judicial Conduct.

18 C. No contributions solicited for or received in a  
19 federal election campaign may be used in a state election  
20 campaign."

21 Section 3. Section 1-19-34.3 NMSA 1978 (being Laws 1993,  
22 Chapter 46, Section 14, as amended) is amended to read:

23 "1-19-34.3. CONTRIBUTIONS IN ONE NAME GIVEN FOR ANOTHER  
24 PROHIBITED.--It is unlawful for a person ~~[or political~~  
25 ~~committee to make, or a candidate or his agent to accept, a~~

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1 ~~contribution that is reported as coming from one person or~~  
2 ~~entity when the candidate or his agent knows that the~~  
3 ~~contribution is actually from another person or entity that~~  
4 ~~directed that the contribution not be publicly reported] to~~  
5 make a contribution in the name of another person, and no  
6 person shall knowingly accept a contribution made by one person  
7 in the name of another person."

8 Section 4. Section 1-19-36 NMSA 1978 (being Laws 1979,  
9 Chapter 360, Section 12, as amended) is amended to read:

10 "1-19-36. PENALTIES--CRIMINAL ENFORCEMENT.--

11 A. Any person who knowingly and willfully violates  
12 any provision of the Campaign Reporting Act is guilty of a  
13 misdemeanor and shall be punished by a fine of not more than  
14 one thousand dollars (\$1,000) or by imprisonment for not more  
15 than one year or both.

16 B. A person who knowingly and willfully gives or  
17 receives contributions exceeding the limits on contributions  
18 imposed by the Campaign Reporting Act by ten thousand dollars  
19 (\$10,000) or more is guilty of a fourth degree felony and shall  
20 be sentenced pursuant to Section 31-18-15 NMSA 1978.

21 [~~B.~~] C. The Campaign Reporting Act may be enforced  
22 by the attorney general or the district attorney in the county  
23 where the candidate resides, where a political committee has  
24 its principal place of business or where the violation  
25 occurred."

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1           Section 5.   EFFECTIVE DATE.--The effective date of the  
2 provisions of this act is July 1, 2009.

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